

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION**

AUTO-OWNERS INSURANCE COMPANY, )  
Plaintiff, )  
vs. )  
AMERICAN PATRIOT GETAWAYS, LLC, )  
W. D. AND MARY ANN SHYLTLE, )  
RACHAEL JEANETTE SUMPTER, and )  
JOEL ANDREW SUMPTER, )  
Defendants. )

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

Plaintiff and Defendants file this Stipulation of Dismissal Without Prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(II).

1. Plaintiff Auto-Owners Insurance Company has sued Defendants American Patriot Getaways, LLC, W. D. and Mary Ann Shytle, Rachael Jeanette Sumpter, and Joel Andrew Sumpter seeking a declaratory judgment regarding the duty to defend and the duty to indemnify its Insured in the underlying lawsuit.

2. The underlying lawsuit at issue has been resolved, and as a result, there is no further dispute regarding the duty to indemnify or the duty to defend to be resolved.

3. Defendants W.D and Mary Ann Shytle have not answered or appeared in this case.

4 This case is not a class action.

5. A receiver has not been appointed in this action.

6. Plaintiff previously has not dismissed an action based on or including the same claims as those presented in this suit.

7. This Dismissal is **without prejudice**.

Respectfully submitted this 2nd day of July, 2012.

s/Dean T. Howell

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## **CERTIFICATE OF SERVICE**

I hereby certify that on July 2, 2012, a copy of the foregoing Stipulation of Dismissal without Prejudice was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ Dean T. Howell

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